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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,483	07/08/2003	Jack I. J'maev	JJ-038-US	8984

54556 7590 02/27/2007

INTELLECTUAL PROPERTY DEVELOPMENT
JACK IVAN J'MAEV
14175 TELEPHONE AVE.
SUITE L
CHINO, CA 91710

EXAMINER	
FISHER, MICHAEL J	
ART UNIT	PAPER NUMBER
3629	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/615,483	J'MAEV, JACK I.	
	Examiner	Art Unit	
	Michael J. Fisher	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18-21 and 23-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18-21 and 23-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement..

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 18,19,21,23-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,611,201 to Bishop et al. (Bishop).

As to claims 18,23,27, Bishop discloses a method for managing product recall notice signals (col 15, lines 62-64), transmitting a recall signal (col 16, lines 16-20), an indicia (VIN) for a selected target group of products (col 16, lines 14-16), and storing in memory that the signal was received (col 16, lines 40-43).

Bishop does not, however, teach a 'correlation table' to assign transmission channels. Databases (correlation tables) are very well known in the art to use ~~to~~ store data, therefore, it would have been obvious to one of ordinary skill in the art to use a database for the storage of information as Bishop would inherently need to store

information on the vehicles in the program. Bishop further does not teach storing the date and time the signal was transmitted. The examiner takes Official Notice that it is very well known in the art for computers to record the date and time information was saved. As discussed above, Bishop teaches storing that the transmission was received to resolve disputes (col 16, lines 42-45), therefore, it would have been obvious to one of ordinary skill in the art to record the date and time of the transmission as this would ensure that, in the event of a dispute, the time of the transmission would be recorded so one party could not say that the transmission was either sent in a timely fashion when it had not or to prove that the transmission was not sent in a timely fashion when it had been.

As to claim 19, Bishop discloses sending a recall notice. Bishop further teaches the signal as containing information for which relay to trigger (col 16, lines 20-24) and "recall information" (col 16, lines 35-40). It would have been obvious to one of ordinary skill in the art to include a recall identifier with the text of the recall notice as Bishop has shown to save the information for dispute resolution (col 16, lines 42-46), and the nature of the recall could be the subject of a dispute.

As to claim 21, Bishop discloses various broadcast channels (20).

As to claim 24, as discussed, Bishop discloses transmitting recall information. It would have been obvious to one of ordinary skill in the art to transmit only the recall notice identifier as this would reduce the bandwidth required to send the information.

As to claim 25, it would have been obvious to one or ordinary skill in the art to multiply transmit the signal to ensure that it is received by all systems.

As to claim 26, Bishop discloses storing in memory whether a signal was received (col 16, lines 42-46), and further, as Bishop shows that all devices transmit such an acknowledgement of the receipt, it would have been obvious to store in the memory that an acknowledgement was required.

As to claim 28, Bishop does not teach receiving the product identifier via a wide area network (WAN). The examiner takes official notice that WANs are very well known in the art, therefore, it would have been obvious to one of ordinary skill in the to use a WAN to receive information to ease the process.

As to claim 29, Bishop does not teach receiving the product identifier via a web page on the Internet. The examiner takes official notice that using the Internet to receive information is very well known in the art, therefore, it would have been obvious to one of ordinary skill in the to use a web page on the Internet to receive information to ease the process.

As to claim 30, Bishop discloses using a network (fig 1).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop as applied to claims 18,19 and 21,23-30 above, and further in view of US PAT 5,442,553 to Parrillo.

Bishop discloses a method as discussed above.

As to claim 20, Bishop does not, however, teach using time slots for transmitting the information. Parrillo teaches a system for disseminating information to a vehicle (fig 1) using time slots (col 4, lines 66-68). It would have been obvious to one of ordinary skill in the art to modify the system as taught by Bishop with the time slots as taught by

Parrillo as Parrillo teaches this as a good way to send and receive information from a vehicle without unnecessarily bothering the driver.

Response to Arguments

Applicant's arguments filed 11/28/06 have been fully considered but they are not persuasive. As to arguments in relation to the correlation table, the table is merely used to assign channels and is therefore, merely storing data to be used, as is well know. Bishop uses multiple channels, those which go to different receivers are different channels, as is the case in the instant application. As Bishop discloses saving the recall information for resolving disputes, it would most unobvious to not store the time or the time sent could be disputed and the saved information would not be able to resolve any dispute. For instance, a signal is received on the 10th, noting a brake recall (recall information), the user has an accident on the 12th. Without a time stamp the user could state that the recall information was not timely and thereby, the dispute could not be resolved. Applicant notes that the dispute could be a lawsuit, the time the signal was sent/received would be important in such a case. The time of transmission would be the time of reception as the signal is received as it is transmitted. There is no contradiction. As a computer saves the transmission upon reception, and computers usually record the date/time data is saved, this would be most obvious. The examiner has never stated that it is common practice to record the date and time of a transmission of a recall signal, merely that it is common practice to record the date and time any data is saved and further, as the data is saved for dispute resolution, the examiner has stated it would

be obvious to save the time sent/received in order to resolve the dispute. Therefore, no affidavit will be necessary or forthcoming. As discussed in many personal interviews with the applicant in regard to the many, related applications, the examiner has stated often that Bishop teaches sending recall information and not just a notice that a recall signal has been sent/received. The examiner understands that applicant believes that Bishop only triggers relays, the examiner disagrees, especially as Bishop specifically mentions sending "information" and not just relay signals. Applicant states that examiner's position is contrary to a plethora of Federal Circuit and Appeal Board decisions, however, has not identified any. Applicant further asserts that Bishop merely triggers relays, yet Bishop specifically mentions sending "information". Parillo is not non-analogous art as the instant application, Bishop and Parrillo all describe sending signals to receivers. The examiner will note that the information sent is non-functional data as it is not used in any way and therefore, while the examiner has used a primary reference that includes a recall campaign, it was not necessary as the instant application is merely sending signals to receivers and any prior art that includes sending signals to receivers would be sufficient.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MF
2/21/07

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600